

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AARON SLOAN,

Plaintiff

v.

JOHN MURRAY, *et al.*,

Defendants

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CIVIL NO. 3:CV-11-0994

(Judge Caputo)

ORDER

AND NOW, this 5th day of **SEPTEMBER, 2012**, in accordance with the accompanying Memorandum, it is **ORDERED** that:

1. Defendants' Motion to Dismiss (Doc. 15) is **GRANTED** in part and **DENIED** in part.
2. Defendants' Motion to Dismiss as to Mr. Sloan's access-to-courts claim is **DENIED** in part.
3. Mr. Sloan's the access-to-courts claim shall proceed only against Flowers, Flinn, Murray and Southers based on his frustrated three conditions of confinement arising at SCI-Forest.
4. Defendants' Motion to Dismiss Mr. Sloan's access-to-courts claim based on the deprivation of his personal property (radio) is **GRANTED**.
5. Defendants' Motion to Dismiss Mr. Sloan's conspiracy claim is **DENIED** in part.
6. Mr. Sloan's conspiracy claim shall proceed only as to Defendants Flowers, Flinn, Murray and Southers with respect to the September 18, 2010, plan to confiscate his legal materials.

7. Defendants Carberry, Smeal, Taggart and Williams are dismissed from this action pursuant to 28 U.S.C. § 1915(e)(2) based on Mr. Sloan's failure to state a claim against them.
8. Defendants Flowers, Flinn, Murray and Southers have thirty (30) days from the date of this Order to file an Answer to the Complaint.
9. Defendants have thirty (30) days from the date of this Order to respond to Plaintiff's pending Motion for Production of Documents.

/s/ A. Richard Caputo

A. RICHARD CAPUTO

United States District Judge